

Annual Report

2004–2005

*I do not believe the future will belong to those who are content with the present. . . .
The future will belong to those who believe in the beauty of their dreams.*

—U.S. Senator Paul Wellstone, 1944–2002

Mandated by federal and state law, the California Advisory Commission on Special Education (ACSE) is required to study issues related to the education and unmet needs of individuals with disabilities and to provide recommendations to the governor, the state legislature, the state board of education, and the state superintendent of public instruction. This 2004–2005 annual report reflects the efforts of the ACSE in its work with those constituencies amidst political fluctuations, fiscal cutbacks, and legislative change. The No Child Left Behind Act, the California High School Exit Exam, the new reauthorization of IDEA, and other significant events have challenged stakeholders in special education to think carefully rather than expediently and to dream what might be best for students with disabilities, not just what might be possible. The ACSE works to balance its dreams of a brighter future for children with disabilities with goals that are achievable.

For the 2004–05 year, the ACSE accomplished the following:

- Provided input on the California High School Exit Exam Panel
- Improved transition services from school to post-school activities via the establishment of an annual statewide award
- Improved the partnership of the special education community with charter schools
- Increased the involvement of special education stakeholder groups at ACSE meetings and ACSE involvement in various organizations throughout the state that affect special education
- Provided input on the 2004 reauthorization of the IDEA

In addition to these efforts, the ACSE continued to work on proposed legislation, fiscal issues, and the challenges facing programs and services.

The ACSE is committed to ensuring that decision-making bodies carefully consider the needs and rights of students with disabilities. The ACSE will continue to champion these rights through 2005–06.

Legislation

IDEIA 2004

As the Individuals with Disabilities Education Act of 1997 was being reauthorized, eventually becoming the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004, members of the ACSE advised California's special education legislative consultant on the law, its regulations, and subsequent alignment legislation for California. The commission also sent a representative to provide input during the draft stage of the law. After the passage of IDEIA 2004, the ACSE invited presenters representing a wide range of stakeholders (parents, attorneys, school district administrators, and consultants from the California Department of Education) to educate its commissioners on the new law and its particular implications for each of the groups represented.

As it is the responsibility of the commissioners to have an in-depth understanding of the laws affecting special education

students, several commissioners attended the reauthorization of IDEIA 2004 training sponsored by the CDE.

The commission recognizes several key issues within IDEIA 2004 relevant to a free and appropriate education for students with disabilities:

- Alignment of provisions within the No Child Left Behind Act (NCLB) and IDEIA 2004
- Changes to the IEP that involve the removal of short-term objectives/benchmarks for most students with disabilities
- Changes to discipline provisions
- Provisions to reduce litigation
- Provisions for paperwork reduction
- Provisions for transition services
- Emphasis on early intervening services

How the regulations are defined for each of these issues has significant implications for children with disabilities. The ACSE plans to continue to study these areas and advise in ways that will be most beneficial to all children with special needs.

The Recruitment, Preparation, and Retention of Special Education Teachers

An on-going concern of the ACSE has been the recruitment, preparation, and retention of special education teachers. In November 2004, the commission heard from the Institutions of Higher Education Task Force about the implementation of recommendations made to rectify the dilemma. In January 2005, the ACSE was briefed on efforts in California to conform to the credential requirements of NCLB and IDEIA 2004. The shortage of special education teachers and the university personnel to appropriately train them continues to be an area of concern to the commission.

California High School Exit Exam

Because all students, and particularly students with disabilities, are affected for life by any state mandate relative to the California High School Exit Exam (CAHSEE), ACSE commissioners served on the CAHSEE advisory panel, which was formed by the passage of California Senate Bill 964 to study options and provide recommendations for exam alternatives for students with disabilities. The five meetings of the panel produced recommendations in three areas:

Alternative Assessment Formats: a) Do not implement alternative assessments until evidence is available that they will meet standards of equivalence; b) devise a timeline for implementing alternative assessments; c) research the reliability, validity, equivalence, and feasibility of alternative assessments.

Graduation Requirements: Use successful student completion of coursework independently certified as an equivalent substitute to CAHSEE, but not until all necessary infrastructure is in place.

Diploma Options: a) Delay the requirement of passing CAHSEE for up to two years for students with disabilities, and, during that time, award students with disabilities a standard high school diploma upon completion of all other non-CAHSEE requirements; b) implement a multiple-tier diploma for students with disabilities if the CAHSEE graduation requirement is *not* delayed two years.

Additional Legislative Focus

While the ACSE follows and advises on numerous pieces of legislation at both the state and federal levels, four issues held the organization's particular interest during its 2004–2005 year.

SB 470: County Mental Health Services

The ACSE took testimony from a variety of stakeholders related to the proposed shift in Chapter 26.5 mental health services from county offices to school districts. As a result of the financial, programmatic, and personnel concerns, the ACSE provided testimony at the Senate Hearing in April against such a shift in responsibilities.

SB 625: Special Education, Staff Development

The proposed bill requires establishing development programs for paraprofessionals, as well as assessments to evaluate the development programs. Trainings for paraprofessionals, provided by this bill, attempt to meet requirements of the No Child Left Behind Act.

SB 724: Doctoral Degrees in Education/Audiology

This bill would authorize the California State University (CSU) system to independently award professional/clinical doctoral degrees in professional practice fields. This is especially relevant for audiologists who, beginning in 2007, must have an earned doctorate in order to attain professional certification. The bill also has the potential to help alleviate the shortage of doctoral-level professionals in other fields that provide training to special education service providers.

HR 367: Teacher Recruitment and Retention Act of 2005

The proposed bill makes permanent loan forgiveness provisions of the Teacher-Taxpayer Protection Act of 2003. Payment of loans of thousands of dollars are waived for certain special education personnel, like speech and language pathologists or teachers of specific content areas.

Ongoing Concern

Over a number of years, the ACSE has maintained interest in one additional legislative issue that is critical to special education.

SB 605: Special Education, Alternative Dispute Resolutions

The proposed bill provides funding to special education local plan areas (SELPA) to triage disputes—like those over free and appropriate public education—before the disputes are brought to the state. The bill attempts to minimize and control the lawsuit logjam in state courts and provide families with local, more personal service.

Programs and Policies

Charter Schools and Special Education

The topic of charter schools and special education was a major focus this year. The commission heard presentations by members of the California Department of Education, SELPAs (Special Education Local Plan Areas), school districts, and charter school organizations in order to understand the current challenges and opportunities charter schools present and to give the commission the opportunity to address the challenges as they affect students who receive special education services.

In March, the commission made four recommendations to State Superintendent of Public Instruction Jack O'Connell to improve services to students and charter schools. These consisted of creating a task force of key policy representatives and charter school stakeholders; working with select SELPA directors to provide LEA (Local Education Area) status to certain charter schools; expanding, clarifying, and strengthening the current criteria used when considering a charter school application; and establishing an appeals committee to serve those schools that have been denied LEA status in a SELPA.

In response to the commission, Superintendent O'Connell assigned staff to implement a joint task force to explore these recommendations. The ACSE believes that the recommendations, when implemented, will increase the quality of services for charter school students who receive special education, partially remedy the costs associated with these services, and provide effective resolution strategies for charter schools, SELPAs, and LEAs.

Transition

The ACSE has always worked to strengthen programs that support students with disabilities as they make the transition from high school into the world of work, advanced education, and training. In the process, the commission has come to recognize a number of outstanding programs in California that are doing an exceptional job of meeting the transition needs of students. In an effort both to acknowledge the excellence of these programs and to bring public awareness to the strategies they use, the commission has established its first annual award that will recognize outstanding achievements in the area of special education transition from school to post-school activities. Other areas (e.g., reading, behavior, early childhood education) will be recognized in subsequent years as determined by the commission. Generously funded by media producer Brian Grazer, the initial GOAL award (The Grazer Outstanding Achievement in Learning Award) will be given in November 2005 after a formal application process.

Liaison Efforts

The ACSE has monitored 19 organizations in an effort to build and maintain relationships with the special education community and to assure clear channels of communication with key policy organizations. Of special note is the commission's participation in the SB 964 Workgroup, the Coalition for Adequate Funding, the Commission on Teacher Credentialing, Pupil Services Coalition, Special Education in Charter Schools Stakeholder's Group, and the Key Performance Indicators (KPI) Task Force. The ACSE also followed organizations that addressed IDEA implementation, federal review, and Corrective Action Plan (CAP), as well as issues concerning students with hearing impairments and transition as it relates to all students with disabilities.

In addition, members of the advisory commission continue to act as liaisons to the State Board of Education. This effort is reciprocal with the Board of Education, which sends representatives to the commission's meetings. ACSE also works with the Pupil Services Coalition and is currently supporting this group in its work on legislation to improve school-based planning for students with special needs.

To maintain existing liaisons while inviting new ones, ACSE has established a regular spot on its agenda for input from organizations that work in support of special education. Representatives from the California Association of Resource Specialists and Special Education Teachers (CARS+), the California Teachers Association, the Parent-Teacher Association, the California Speech-Language-Hearing Association (CSHA), Special Education Administrators of County Offices (SEACO), and SELPA (Special Education Local Plan Area) administrators are just a few of those who provided information to the commission.

The commission looks forward to developing similar liaisons with other organizations, particularly parents' groups; and the ACSE encourages any organization that has interest in the special education community to attend its meetings and offer input from the field.

The Future

California's Advisory Commission on Special Education looks forward to its 2005–06 term and is committed to continuing its work with the governor, the legislature, stakeholder groups, and general and special education personnel at all levels. The commission's goal is to ensure that, when these individuals and groups make decisions on issues related to special education, the needs and rights of students are carefully considered.

The Advisory Commission on Special Education

is an advisory body required by federal and state statutes to provide recommendations and advice to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in California special education.

Membership* Directory, 2005–2006

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* For more information regarding the activities of—or any of the current vacancies on—the Advisory Commission on Special Education, please contact the commission's liaison, Dennis Kelleher (see contact information above); or visit the ACSE website at <http://www.cde.ca.gov/sp/se/as/acse.asp>.

Acknowledgment

The Advisory Commission on Special Education would like to acknowledge Alice Parker in her service to the commission as its Executive Secretary for the past eight years. She has worked tirelessly and bravely to improve the lives of children with disabilities. We wish her well in her retirement and trust she knows she will be sorely missed.

Commission meeting dates and locations, 2005–2006*

September 22–23Sacramento	February 23–24Sacramento
November 17–18Sacramento	March 23–24Sacramento
January 19–20Sacramento	May 25–26Sacramento

* Exact dates may change. Please visit the ACSE website (<http://www.cde.ca.gov/sp/se/as/acse.asp>) or contact the commission's secretary for the most current information or to obtain a schedule. Location: California Department of Education, 1430 N Street, Sacramento, CA 95818.

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